



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bakthavatchalam et al.
Serial No. : 10/799,286
Filed : March 12, 2004
For : CAPSAICIN RECEPTOR LIGANDS
Examiner : K. Weddington
Group : 1614

TERMINAL DISCLAIMER

I. Ownership

Neurogen Corporation (the "owner") is the owner of the entire interest in (1) the instant application, (2) copending application number 10/891,832, and (3) copending application number 10/539,031.

II. Application No. 10/891,832

This portion of this terminal disclaimer is directed to a pending second application, namely Application No. 10/891,832, filed on July 14, 2004 (the "'832 Second Application").

The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 (as shortened by any terminal disclaimer filed prior to the grant of any patent granted on the pending '832 Second Application) of any patent granted on the pending '832 Second Application.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the '832 Second Application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the '832 Second Application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

III. Application No. 10/539,031

This portion of this terminal disclaimer is directed to a pending second application, namely Application No. 10/539,031, filed on December 12, 2003 as PCT/US03/39607 (the "'031 Second Application").

The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 (as shortened by any terminal disclaimer filed prior to the grant of any patent granted on the pending '031 Second Application) of any patent granted on the pending '031 Second Application.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the '031 Second Application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the '031 Second Application, as shortened by any terminal disclaimer filed prior to

the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

IV. Attorney of Record

The undersigned is an attorney of record.

Respectfully submitted,

Date: 9/1/06

Maurice M. Klee

Maurice M. Klee, Ph.D.

Reg. No. 30,399

Attorney for Applicant

1951 Burr Street

Fairfield, CT 06824

(203) 255-1400